

HOUSE BILL 3034
By Scroggs

AN ACT to amend Tennessee Code Annotated, Titles 8, 16, 17, 18, 24, 36, 37, 45, 50, 68 and Title 71, relative to the support of children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 24-7-112(a)(1), is amended by adding the following new subdivisions (C) and (D) to subdivision (1):

(C) In any case, except terminations of parental rights or adoptions under title 36 or title 37, in which the paternity of a child is at issue and the question of parentage arises, and an agreed order or divorce decree has been entered finding that an individual is not the parent of the child, the finding shall not be entitled to preclusive effect unless the finding was based upon scientific tests to determine parentage which excluded the individual from parentage of the child in question.

(D) The paternity of a child is at issue and the question of parentage arises for purposes of this section when any of the following occurs:

- (i) A paternity petition is filed pursuant to title 36, chapter 2; or
- (ii) A petition to set support (whether temporary support, separate maintenance, divorce, acknowledgment of paternity or otherwise) is filed and one of the parties

claims not to be the legal or biological father of one or more of the children in question.

SECTION 2. Tennessee Code Annotated, Title 24, Chapter 7, Part 1, is amended by adding the following as a new section:

24-7-121. Child support payment records.

(a)(1) Notwithstanding any other law to the contrary, a computer printout or copy of the support payment screen of the Tennessee Child Support Enforcement System (TCSES) shall be admitted into evidence as a non-hearsay, self-authenticating document in all legal and administrative proceedings, without the need for certification by a records custodian.

(2) No conclusive presumption of correctness shall attach to such record following admission, but the record shall constitute prima facie evidence of its correctness and shall be subject to rebuttal by alternative or conflicting documentary evidence of payment of the support obligation.

(b) Upon request, a clerk of court who collects child support shall provide a copy of the TCSES payment screen to the requesting party. The clerk shall be entitled to the statutory fee for providing such service. The department of human services shall make available to each clerk in whose court child support actions are adjudicated, a computer terminal with the capability of providing the payment records described in subsection (a).

(c) For purposes of the Uniform Interstate Family Support Act (UIFSA), in §§ 36-5-2101—36-5-2902, the department of human services or its contractors and the clerks of the court shall be considered custodians of the support records subject to such act.

(d) In the event that any testimony regarding payment records is required by any state officer or employee in any child support case, no personal appearance shall be required and such officer or employee shall have the option to appear in person or to testify by telephonic or other suitable electronic means or by affidavit. In no event

shall any state officer or employee be required to testify in any proceeding unless such officer or employee has personal knowledge of the facts underlying such payment record.

SECTION 3. Tennessee Code Annotated, Section 36-1-111(r), is amended by deleting the language “even if the child is not ultimately adopted” in the last sentence of subdivision (1)(A) and by substituting instead the language “pursuant to subsection (w) if the child is ultimately adopted”.

SECTION 4. Tennessee Code Annotated, Section 36-2-304(b), is amended by adding the following new subdivision:

(4) In any case, except terminations of parental rights or adoptions under title 36 or title 37, in which the paternity of a child is at issue and an agreed order or divorce decree has been entered finding that an individual is not the parent of the child, the finding shall not be entitled to preclusive effect unless the finding was based upon scientific tests to determine parentage which excluded the individual from parentage of the child in question.

SECTION 5. Tennessee Code Annotated, Section 36-5-101(a)(4)(A), is amended by deleting subdivision (4)(A) in its entirety and by substituting instead the following language:

(4)(A) The order or decree of the court may provide that the payments for the support of such child or children shall be paid either to the clerk of the court or directly to the spouse, or other person awarded the custody of the child or children, except that in all Title IV-D child support cases and all non-Title IV-D child support cases and in which child support is actually being paid pursuant to an income assignment, the court shall order that all child support payments be paid to the centralized collection and disbursement unit established pursuant to § 36-5-116. After a case becomes subject to the centralized collection and disbursement unit, it shall remain subject to collection by that unit, any order of the court to the contrary notwithstanding.

SECTION 6. Tennessee Code Annotated, Section 36-5-101(a)(4), is amended by deleting subdivisions (a)(4)(C) and (a)(4)(D) in their entireties.

SECTION 7. Tennessee Code Annotated, Section 36-5-101(a), is amended by deleting subdivision (4)(E)(i) in its entirety and by substituting instead the following language:

(i) In all Title IV-D cases, and in all other cases subject to the centralized collection and disbursement unit, child support payments shall be made to the centralized collection and disbursement unit established pursuant to § 36-5-116. No credit shall be given to an obligor for any payments made by the obligor or by another person on behalf of the obligor, directly to an obligee or the obligor's child or children unless the obligee remits the payment to the centralized collection and disbursement unit or unless the court finds good cause to give credit to the obligor for such payments, and the court makes a written finding of fact and the court's order directs the obligor to pay all fees which would have been due to the department of human services. In the event that a Title IV-D case is instituted subsequent to the establishment of an order of child support, the department will notify the obligor and obligee and the appropriate clerk of this fact, by electronic means if feasible, and all payments of child support in Title IV-D cases and in all other cases subject to the centralized collection and disbursement unit shall be made by the obligor to the centralized collection and disbursement unit, without further order of the court.

SECTION 8. Tennessee Code Annotated, Section 36-5-101(e), is amended by deleting the second and third sentences of subdivision (e)(2), and by deleting the second sentence of subdivision (e)(3).

SECTION 9. Tennessee Code Annotated, Section 36-5-101, is amended by adding the following new subsection:

(q)(1) Notwithstanding any other provision of law to the contrary, neither the department of human services, nor any Title IV-D child support contractor of the department, nor any recipient of public assistance in this or any other state or territory, nor any applicant for either public assistance in this or any other state or territory or for Title IV-D child support services from the department of human services or any other Title IV-D agency in this or any other state or territory, shall be required to demonstrate to a court or administrative tribunal that the caretaker of the child for whom child support is sought is vested with any more than physical custody of the subject child or children in order to have standing to petition for child support from the legal parent of the child or children for whom support is sought, or to seek enforcement or modification of any existing orders involving such child or children.

(2) Legal custody of a child to whom a child support obligation is owed shall not be a prerequisite to the initiation of any support action or to the enforcement or modification of any support obligation in such cases, whether or not the obligation has been assigned to this state or any other state or territory by operation of law.

SECTION 10. Tennessee Code Annotated, Section 36-5-101, is amended by adding a new subsection (r):

(r) In any Title IV-D case, if the court grants relief, whether in whole or in part, to the department of human services or to the department's Title IV-D contractor or to any applicant for Title IV-D child support services, the court shall not tax any court costs against the department, the Title IV-D contractor or against any applicant for child support services. The court shall not award attorneys fees against the department, the Title IV-D contractor or against any applicant for child support services unless there is a clearly established violation of Rule 11 of the Tennessee Rules of Civil Procedure or for other contemptuous or other sanctionable conduct.

SECTION 11. Tennessee Code Annotated, 36-5-101, is amended by adding the following new subsection:

(s) The order of any court or administrative tribunal directing that an obligor pay a sum certain to reduce any support arrearage shall not preclude the use by the department of human services or its contractors in the Title IV-D child support program of any other administrative means of collecting the remaining balance of the outstanding arrearage including, but not limited to income tax refund intercepts, financial institution collections, enforcement of liens, or any other method authorized by law. The use of any additional administrative means of collection by the department or its contractors in the Title IV-D child support program is expressly authorized to reduce any portion, or all, of the outstanding balance of support as shown by the department's records, and any order of the court or administrative tribunal to the contrary is without any effect whatsoever, except for such appeal as may lie from the implementation of the administrative procedure which is used to reduce the arrearage.

SECTION 12. Tennessee Code Annotated, Section 36-5-101, is amended by adding the following new subsection:

(t) No final decree of divorce or annulment or other declaration of invalidity of a marriage shall be entered which provides that the husband is not the father of a child born to the wife during the marriage or within three hundred (300) days of the entry of the final decree unless scientific tests to determine parentage are first performed and the results of the test which exclude the husband from parentage of the child or children are admitted into evidence. The results of such parentage testing shall only be admitted into evidence in accordance with the procedures established in § 24-7-112.

SECTION 13. Tennessee Code Annotated, Section 36-5-115(c), is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c)(1) The clerk of the court must submit all information required by the

department of human services for implementation of this section on the Tennessee Child Support Enforcement System (TCSES).

(2) The department will provide for the modifications of the TCSES computer system necessary to receive and transmit information required by the federal law for the operation of the central case registry, and will provide to those clerks who do not already have the necessary equipment, lines and software modifications to enable data transmission through TCSES, such items as are necessary to permit the transmission of the data required by this section. For cases which are not subject to enforcement by the department pursuant to Title IV-D of the Social Security Act, these clerks shall transmit to the department or its contractor on a daily basis on TCSES the necessary data elements for the support case registry required by the secretary of the United States department of health and human services and any additional updated information regarding such data elements at such time as it is supplied to the clerk.

SECTION 14. Tennessee Code Annotated, Section 36-5-116, is amended by deleting the section in its entirety and by substituting instead the following:

(a)(1)(A) Effective October 1, 1999, the department of human services shall become the centralized collection and disbursement unit for the state.

(B) All orders in Title IV-D cases and all cases in which support is actually being paid pursuant to an income assignment order, regardless of when such order was entered, shall be deemed to require that the support be sent to the centralized collection and disbursement unit, any order of the court notwithstanding.

(C) For any case in which an income assignment order has been entered in which payments were not required to be sent to the centralized collection and disbursement unit prior to the effective date of this act and in which support is actually being paid pursuant to an income assignment order, such case shall be converted to

a centralized collections and disbursement case by the department. After a case becomes subject to the centralized collections and disbursement unit, it shall remain subject to collection by that unit, any order of the court to the contrary notwithstanding.

(2) When the department or its contractor acts as the centralized collection and disbursement unit, then, notwithstanding any provision of law to the contrary, the fee paid by the obligor for the collection and disbursement of child support pursuant to § 8-21-403 shall be paid to the department with respect to payments collected or disbursed by the centralized collection and disbursement unit. The processing of such fees shall be conducted in such a manner as will not adversely affect compliance with federal law or regulations and will not adversely affect federal funding for the Title IV-A block grant program and the Title IV-D child support program. Provided, further, the department may by rules promulgated pursuant to the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, reduce the fee provided in § 8-21-403 with respect to cases under the centralized collection and disbursement unit.

(b)(1) Each clerk shall submit to the department all information required to be sent to the department electronically by use of TCSES on a daily basis on the day the order is entered, or the day payment is received on a case, whichever is first, all of the information required to permit the department to process all payments for child and spousal support which are required by federal law to be collected and disbursed by the federally mandated centralized collection and disbursement unit, and the clerks shall provide such other information, if contained in the court records, that is necessary to update the processing of information for collection and disbursement of support and for the implementation of the state case registry system pursuant to § 36-5-115. The department will provide for the modifications of the TCSES computer

system necessary to receive and transmit information required by the federal law for the operation of the central case registry, and will provide to those clerks who do not already have the necessary equipment, lines and software modifications to enable data transmission through TCSES, such items as are necessary to permit the transmission of the data required by this section.

(2) The clerks' services for providing such information shall be paid by the department according to the reimbursement process established by § 36-5-117.

(3) The clerks of all courts involved in the collection of any child support shall cooperate with and provide any reasonable and necessary assistance to the department of human services or its contractors for the transfer of data concerning child support to the statewide Title IV-D child support computer system.

(c)(1) Following implementation of the federally required centralized collection and disbursement unit, each clerk shall remain responsible for receipt of all support payments not subject to the requirements of the centralized collection and disbursement system. Payments which are received by the clerk in cases subject to the centralized collection and disbursement system shall be distributed by the centralized collection and disbursement system; provided, that the clerk shall be reimbursed the costs of such service pursuant to the provisions of § 36-5-117.

(2) Payments received by the clerk for support cases which are not Title IV-D cases or which are not otherwise subject to the requirements of a centralized collection or disbursement system shall not be included in the cost reimbursement and shall be subject to the fees permitted by § 8-21-403 or such other fees permitted by law.

(d)(1) Notwithstanding the implementation of the centralized collection and disbursement unit, the clerk of court shall continue to receive support payments that are made to purge an obligor of any contempt of court whether made in a Title IV-D support case or in a non-Title IV-D case.

(2) Purge payments and support payments subject to the centralized collection and disbursement unit that are received by a clerk of court shall be receipted by the clerk of court on TCSES. All data necessary to process the payments will be entered by the clerk on TCSES. Funds for such collections will be sent by the clerk to a designated state bank account by use of the automated clearing house (ACH) process. The clerk shall be reimbursed for the costs of such services pursuant to the provisions of § 36-5-117.

SECTION 15. Tennessee Code Annotated, title 36, chapter 5, part 1, is amended by adding the following new section:

36-5-120. Payments and identifying information required for support payments made to the centralized collection and disbursement unit.

(a) All payments to the centralized collection and disbursement unit by either the obligor parent or a payer on behalf of the obligor parent shall include the following information:

(1) the name, social security number and return address of the obligor parent;

(2) the code identifier for the court for which the payment is being made and the docket number of the case in which the support order was entered; and

(3) for cases involving deductions from compensation of the obligor by an employer or other payer of income by income assignment, the date the payment was deducted from the employee's or other payee's compensation.

(b) As an alternative to compliance with subsection (a), an employer or other payer of support on behalf of an obligor parent may submit a payment document provided by the department of human services on which the employer or other payer shall include the amount of income withholding on each affected employee or other payee, and, if appropriate, shall provide the name and address of any new employer of an affected employee or payee if known to the employer or other payer.

(c) As an alternative to subsection (a), a self-employed obligor parent, or an obligor parent whose employer or other payer of income is unknown to the department, may submit a payment coupon provided by the department to the parent with the payment due.

(d) Any payment made to the centralized collection and disbursement unit that does not comply with the requirements of subsection (a)-(c) shall be subject to a penalty.

(e)(1) If, after prior notification by the department of human services of failure to provide the information with the payments as required by this part, any employer, other payer of income, or obligor fails or refuses to comply with the requirements of this part, the violator shall be subject to a civil penalty of two hundred dollars (\$200.00) for the first failure to comply following notification, three hundred fifty dollars (\$350.00) for the second failure to comply and five hundred dollars (\$500.00) for each failure thereafter.

(2) Any employer, payer of income or obligor who conspires not to provide the information required by this section or who conspires to provide false or incomplete information shall each be subject to a civil penalty of four hundred dollars (\$400).

(3) These penalties shall be assessed by the commissioner of human services after written notice to the violator. The notice shall provide fifteen (15) days from the mailing date of such notice to file a written request to the department for appeal of the civil penalty.

(4) If an appeal is timely filed with the department by the employer, payer of income or obligor, the department shall set an administrative hearing on the issue of the assessment pursuant to the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5 relative to contested case hearings.

(5) Failure to timely appeal the assessment of the civil penalty shall be final and conclusive of the correctness of the assessment.

(6) Any amount found owing shall be due and payable not later than fifteen (15) days after the mailing date of the determination.

(7)(A) Failure to pay an assessment shall result in a lien against the real or personal property of the employer, payer of income or the obligor in favor of the department. If the violator fails to pay an assessment when it becomes final, the department may collect the amount of the civil penalty by any available administrative enforcement procedures or by court action.

(B) The employer, payer of income or obligor shall be liable for all court costs and litigation taxes of the proceedings and shall be liable to the department for the cost of any private, contract or government attorney representing the state and for the time of any of its Title IV-D or contractor staff utilized in litigating the assessment.

(8) Any appeal of the action of the commissioner pursuant to this section shall be made in conformity with § 4-5-322.

(f) The state of Tennessee, the department of human services or its contractors shall have no liability whatsoever for any payments which cannot be adequately identified to a support case because of the failure to provide the information required by this section.

SECTION 16. Tennessee Code Annotated, Section 36-5-401(3), is amended by inserting the punctuation and language, “, to review the administrative hearing decisions of the department of human services pursuant to § 36-5-1003” immediately after the language “to enforce child support”.

SECTION 17. Tennessee Code Annotated, Section 36-5-405, is amended by deleting the last sentences of subdivisions (c) and (d) in each subsection in their entireties and by substituting instead, in each subdivision, the following:

If a petition is for contempt, either the referee or the judge may issue an attachment for the arrest of the respondent with a bond.

SECTION 18. Tennessee Code Annotated, Section 36-5-405(h), is amended by deleting the last sentence in its entirety and by substituting instead the following:

Unless the judge orders otherwise, any recommendation of the referee shall be in effect pending rehearing or approval by the court.

SECTION 19. Tennessee Code Annotated, Section 36-5-501(a), is amended by deleting subdivision (3) in its entirety and by substituting instead the following:

(3) In any case, regardless of whether income withholding is ordered, in which a parent is required by a court order to provide health coverage for a child, and the parent is eligible, including those parents eligible pursuant to § 56-7-2302, for family health coverage through an employer, the clerk, or the department or its contractors, by income withholding order, shall order withheld from the parent's compensation from the parent's employer, the employee's share, if any, of premiums for such health coverage, and the employer shall pay such share of premiums to the insurer and/or the insurance provider to provide health insurance coverage for the children provided for in the court order. The employer shall allow claims to be filed by the custodial parent or by the state and shall provide the custodial parent or the state with all necessary forms and information and enrollment documents necessary to submit claims on behalf of the children. The employee shall have the right to an administrative appeal if the income assignment order is issued by the department or its contractors.

SECTION 20. Tennessee Code Annotated, Section 36-5-501(b)(3), is amended by deleting the language "(3) In addition to any other required or pertinent information, all notices of assignment sent to the obligor pursuant to this section shall include:" and by substituting instead the following language:

(3) In addition to any other required or pertinent information, all notices of assignment sent to the obligor who resides in this state pursuant to this section shall include:

SECTION 21. Tennessee Code Annotated, Section 36-5-501(b), is amended by deleting subdivisions (3)(E) and (3)(F) in their entirety.

SECTION 22. Tennessee Code Annotated, Section 36-5-501(b), is amended by deleting subdivision (4) in its entirety and by substituting instead the following language:

(4)The payment of child support through the centralized collection and disbursement unit established pursuant to § 36-5-116 does not establish the case as a Title IV-D case unless the case otherwise meets the criteria of § 71-3-124 for a case in which the department of human services will provide child support services to an assignor of support rights or to any person who has otherwise applied for such services.

SECTION 23. Tennessee Code Annotated, Section 36-5-503(a)(2), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) If there are children to whom the obligor is still obligated to pay support, though a change of circumstances has occurred as a result of the discontinuation of the obligation to one (1) child, the obligor may not seek termination of the income assignment order, but must seek modification of the support order pursuant. Upon obtaining modification of the support order, the clerk of court or the department or its contractors shall issue a modified income assignment.

SECTION 24. Tennessee Code Annotated, Section 36-5-503(a)(4), is amended by adding the language “or the department of human services or its contractor in title IV-D cases” immediately following the language “The clerk of the court”.

SECTION 25. Tennessee Code Annotated, Section 36-5-503(a), is amended by adding the following as a new subdivision (5):

(5)(A) In Title IV-D cases, when the department of human services or its contractor is informed or otherwise determines that the conditions of § 36-5-503(a)(1) have been met, then the department or its contractor may administratively terminate or modify the income assignment order to reflect the change in circumstances pursuant to the child support guidelines. In all other circumstances, modification or termination of an income assignment shall be obtained by court order.

(B) In cases where an income assignment order may be terminated or modified by administrative order, the department or its contractor shall notify both the obligor, or other payer, and the obligee of the proposed action with respect to the termination or modification action. The notice shall give both the obligor and the obligee fifteen (15) days in which to appeal the proposed action, pursuant to the appeal provisions of chapter 5, part 10 of this title.

SECTION 26. Tennessee Code Annotated, Section 36-5-503(b), is amended by deleting the language "Each parent or other individual having custody of a child who is receiving support payments under an income assignment order shall notify the clerk at such time as any of the following occur:", and by substituting instead the language "Each parent or other individual having custody of a child who is receiving support payments under an income assignment order shall notify the clerk, or the department of human services or its contractor in title IV-D cases, at such time as any of the following occur:"

SECTION 27. Tennessee Code Annotated, Section 36-5-503, is amended by deleting subsections (c) and (d) in their entireties and by substituting instead the following:

(c)(A) The obligor parent may also seek termination or modification of a support order when the whereabouts of the obligee parent and child(ren) are unknown and the clerk of the court, or the department of human services or its contractor in title IV-D cases, has been unable to forward past payments, and all arrearages owed to the

state of Tennessee as a result of the custodian's receipt of public assistance have been paid.

(B) The obligor parent may either file a motion for termination or seek modification of the child support order when support payments equal to the amount due within one (1) month have been returned to the office of the clerk, or to the department of human services or its contractor in title IV-D cases, and all reasonable means to locate the obligee parent and child(ren) have been exhausted. The clerk of the court, or the department of human services or its contractor in title IV-D cases, shall notify the obligor parent that such payments have been returned to the clerk, or to the department of human services or its contractor in title IV-D cases. The obligor parent must submit an affidavit verifying that such obligor parent has exhausted reasonable efforts to locate the obligee parent and children.

(d) When a motion to terminate is filed, the clerk of the court shall proceed to set a hearing and serve the parties as provided in § 36-5-405. Upon receipt of a notice from the custodial parent or individual in accordance with subsection (b), or based upon the department's own records, the clerk or the department of human services or its contractor in title IV-D cases shall determine whether the income assignment order includes support for any other child or children and whether there are any accumulated arrearages due which have not been satisfied. If there are no other children and no arrearages, the clerk, or the department of human services or its contractor in Title IV-D cases, after notification to the parties, shall notify the employer, person, corporation or institution withholding support that the income assignment is terminated. If there are other children and/or accumulated arrearages, the clerk or the department of human services or its contractor in title IV-D cases, after notification to the parties shall send a new notice to the employer, person, corporation or institution withholding support specifying the correct amount to be withheld as a result of the change in circumstances.

SECTION 28. Tennessee Code Annotated, Section 36-5-703(d), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) If the payment records of the clerk of the court or the Department show that the obligor remains in arrears and is not in compliance with the consent order for repayment of the child support arrearage pursuant to subdivision (d)(1), the court, through the department, shall, in accordance with § 36-5-705, forthwith certify to each licensing authority which licenses the obligor that the obligor is not in compliance with an order of support.

SECTION 29. Tennessee Code Annotated, Section 36-5-901, is amended by redesignating current subdivision (a)(1)(A) as subdivision (a)(1), by redesignating subdivision (b)(1) as subdivision (b)(1)(A), and by transferring the existing language of current subdivision (1)(B) of current subsection (a) to current subsection (b)(1) as a new subdivision (b)(1)(B).

SECTION 30. Tennessee Code Annotated, Section 36-5-1001(a), is amended by deleting subdivision (a)(1)(C) in its entirety and by substituting instead the following:

(C) Notice of enrollment of a child for health care coverage upon a change of employers or as otherwise authorized pursuant to §§ 36-5-101(f)(2), 36-2-319, 36-5-501(a)(3) or 37-1-151.

SECTION 31. Tennessee Code Annotated, 36-5-1001, is amended by deleting the word “and” at the end of subdivision (a)(1)(I), by deleting the period (.) at the end of subdivision (a)(1)(J) and substituting instead a semicolon (;), and by adding the following new subdivisions to subdivision (a)(1) as follows:

(K) Review of civil penalties for failure to provide proper information for the distribution of child support payments pursuant to § 36-5-120; and

(L) Review of income assignment orders for medical coverage entered pursuant to § 36-5-501(a)(3).

SECTION 32. Tennessee Code Annotated, 36-5-1002(a), is amended by deleting subdivision (5) in its entirety and by substituting instead the following new subdivision (5) and, further by adding a new subdivision (14) as follows:

(5) Review of income assignment orders pursuant to § 36-5-501 is limited to:

(A) For the issuance of the initial order or income assignment:

- (i) The correct identity of the individual subject to the order; and
- (ii) A mistake of fact.

(B) For the issuance of an income assignment due to a delinquency pursuant to § 36-5-501(b)(1)(B) or (D):

- (i) The amount of support not paid; or
- (ii) The timeliness of the support paid;

(C) For the addition of an amount ordered pursuant to § 36-5-501(b)(1)(C) to satisfy accumulated arrears, if the court has not already determined the amount of arrears, the reasonableness of the amount ordered paid on the arrears and, in the case of accumulated arrears, the period of time over which support is ordered to be paid;

(D) For the addition of an amount ordered pursuant to § 36-5-501(b)(1)(C) for medical support, if the court has not already determined the amount of medical support, the reasonableness of the amount of medical support ordered;

(E) For termination of an income assignment, that the conditions of § 36-5-503 have been met.

(14) Review of a civil penalty for failure to comply with the provisions of § 36-5-120 shall be limited to whether there is good cause for failure to comply with the provision of that section.

SECTION 33. Tennessee Code Annotated, Section 36-5-1002(a)(6), is amended by adding the language “upon either issuance of an order to provide health insurance

coverage pursuant to § 36-5-501(a)(3) or” immediately following the language “health insurance coverage”.

SECTION 34. The Tennessee Code Commission is directed to add to title 36, chapter 5, parts 21-29, the official comments of the National Conference of Commissioners on Uniform State Laws for the Uniform Interstate Family Support Act as they exist on the effective date of this Act. Such comments as contained in the various sections of the Uniform Interstate Family Support Act shall be added at the respective corresponding sections as contained in title 36, chapter 5, parts 20-29.

SECTION 35. Tennessee Code Annotated, Section 36-5-2602(a), is amended by deleting the language “in the county where the respondent resides” and by substituting instead the language “in the county with appropriate jurisdiction, and, if two counties have appropriate jurisdiction, in the county where the child resides”.

SECTION 36. Tennessee Code Annotated, Section 36-5-3002, is amended by deleting subsection (9) and by substituting instead the following new subsection (9) and by adding the following new subsection (10) and by re-numbering existing subsections (10)-(13) accordingly:

(9)“Request” means a statement of a requesting party seeking transfer of a custody or child support case to the court of another county.

(10) “Requesting party,” means custodial parent, non-custodial parent or, in Title IV-D child support cases, the department of human services or its contractor.

SECTION 37. Tennessee Code Annotated, Section 36-5-3003(b), is amended by deleting the language “The case may be transferred by the issuing court to a competent court of the county where the child or children reside if each of the following apply:” and by substituting instead the following language:

Upon receipt of a request, the case must be transferred by the clerk of the issuing court, without order of the court, to a court of competent jurisdiction in the county where the child or children reside if each of the following applies:

SECTION 38. Tennessee Code Annotated, Section 36-5-3004(1), is amended by deleting the language, “A case may be transferred by a party or by the department by sending a request for transfer to the transferor court. The request shall include the following information:” and by substituting instead the following language:

A case must be transferred by the clerk of the issuing court following a request by a requesting party sending the request for the transfer to the clerk of the transferor court. The request shall include the following information:

SECTION 39. Tennessee Code Annotated, Section 36-5-3004(6), is amended by deleting the word “appealed” and by substituting instead the word “contested”.

SECTION 40. Tennessee Code Annotated, Section 36-5-3005(a), is amended by deleting the language “appeal of the request” in its entirety, and by substituting instead the language, “contest of the request”, and is further amended by deleting the language, “appeal contesting the transfer”, and by substituting instead the language “contest of the transfer”.

SECTION 41. Tennessee Code Annotated, Section 36-5-3007(a), is amended by deleting the word “appeal” and by substituting instead the word “contest”.

SECTION 42. Tennessee Code Annotated, title 36, chapter 5, part 30, is amended by adding the following new section as Section 36-5-3008, and by re-numbering current Section 36-5-3008 as new Section 36-5-3009:

36-5-3008. Acceptance of transfer. - The transferee court shall accept the transfer and shall not have the discretion to refuse the transfer.

SECTION 43. Tennessee Code Annotated, 36-5-3110, is amended by deleting subsections (a) and (b) in their entireties and by substituting instead the following:

In cases not subject to the centralized collection and disbursement unit pursuant to § 36-5-116, when the clerk of the court of the registering county collects the support which has been enforced by the court of the registering county pursuant to this part, the clerk shall send the support amount, less the statutory fee of the clerk, directly to the obligee, but the clerk shall not send the support amount to the issuing court from which the original order was issued and which was registered for enforcement pursuant to this part.

SECTION 44. Tennessee Code Annotated, Section 71-3-124(a), is amended by adding the following as a new subdivision (6):

(6)(A) Notwithstanding any other provision of law to the contrary, neither the department of human services, nor any Title IV-D child support contractor of the department, nor any recipient of public assistance in this or any other state or territory, shall be required to demonstrate to a court or administrative tribunal in this state that the caretaker of the child for whom child support is sought is vested with any more than physical custody of child or children in order to have standing to petition for child support from the legal parent of the child or children for whom support is sought, or to seek enforcement or modification of any existing orders involving such child or children.

(B) Legal custody of a child to whom a child support obligation is owed shall not be a prerequisite to the initiation of any support action or to the enforcement or modification of any support obligation, whether or not the obligation has been assigned to this state or any other state or territory by operation of law.

SECTION 45. This act shall take effect upon becoming a law, the public welfare requiring it.